

Title 20-A: EDUCATION

Chapter 225: PENALTIES

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Maine Revised Statutes
Title 20-A: EDUCATION
Chapter 225: PENALTIES

§6801. COMPLIANCE
(REPEALED)

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 859, §§A23,A25 (RP).

§6801-A. COMPLIANCE WITH REQUIREMENTS

The commissioner shall enforce the requirements of this Title as follows. [1983, c. 859, Pt. A, §§ 24, 25 (NEW).]

1. Authority to withhold state subsidy. If, after giving due notice and an opportunity for a hearing, the commissioner finds that a school administrative unit is not in compliance with the reporting, program or other requirements of this Title, the commissioner may withhold state subsidy from that unit. The withholding shall continue only as long as necessary to achieve compliance.

[1983, c. 859, Pt. A, §§24, 25 (NEW) .]

2. Authority to withhold state subsidy until reports are received. Notwithstanding any other provision of law, if a school administrative unit has failed to file the reports required by this Title in the format and within the time periods specified, the commissioner may withhold state subsidy payments until these reports are received.

[1989, c. 414, §19 (AMD); 1989, c. 910, §1 (AMD) .]

3. Action by Attorney General. If compliance cannot be achieved by withholding subsidy payment, or if withholding would be an inappropriate or unavailable remedy, or if a school or school unit which is not eligible for state subsidy is out of compliance with this Title, the commissioner may refer the matter to the Attorney General for action. The Attorney General may seek injunctive relief to enjoin activities not in compliance with the governing law or seek any other remedy authorized by law.

[1989, c. 414, §19 (AMD) .]

4. Other penalties. Nothing in this section precludes the commissioner from employing other penalties authorized in this Title or authorized or required by federal law.

[1989, c. 414, §19 (AMD) .]

5. Complaint process. A complaint that alleges that a school administrative unit is not in compliance with the requirements of this Title or of rules adopted by the department shall be filed pursuant to the requirements for a petition under section 258-A.

[1985, c. 797, §39 (AMD) .]

SECTION HISTORY

1983, c. 859, §§A24,A25 (NEW). 1985, c. 797, §39 (AMD). 1989, c. 414, §19 (AMD). 1989, c. 910, §1 (AMD).

§6802. FORFEITURE

A forfeiture under this Title may be recovered in a civil action. Unless specifically provided for, it shall be disbursed as follows. [1981, c. 693, §§5, 8 (NEW).]

1. School purposes. It shall be paid into the treasury of the school administrative unit where the offense occurred, for use for school purposes.

[1981, c. 693, §§5, 8 (NEW) .]

2. Prosecution costs. An amount equal to the cost of prosecution shall be paid into the county treasury.

[1981, c. 693, §§5, 8 (NEW) .]

3. Forfeiture. A school administrative unit shall forfeit the money it received to a person bringing civil suit, if the unit has not expended that money within one year of receiving it.

[1981, c. 693, §§5, 8 (NEW) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW).

§6803. FRAUD; FALSE CERTIFICATION

Any school officer, employee or agent who makes a written false statement on a report or document submitted to the department pursuant to this Title shall, upon conviction in a criminal proceeding, be subject to the applicable penalties in Title 17-A. [1985, c. 797, §40 (RPR).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1985, c. 797, §40 (RPR).

§6804. DISTURBING SCHOOLS

A person who enters the property of a public or private school or another place of instruction during or out of school hours, while the teacher or student is present, and willfully interrupts or disturbs the teacher or student by loud speaking, rude or indecent behavior, signs or gestures, or engages in hostile, aggressive or threatening behavior toward a student, teacher, administrator or other staff member, or willfully interrupts a school by prowling about the building, making noises, throwing missiles at the schoolhouse or disturbing the school, commits a civil offense and shall forfeit not less than \$200 nor more than \$500. [2001, c. 189, §1 (AMD).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 2001, c. 189, §1 (AMD).

§6805. INJURIES BY MINOR; DAMAGES

If a minor injures or aids in injuring a schoolhouse or school outbuildings, utensils or appurtenances; defaces the walls, benches, seats or other parts of school buildings by marks, cuts or otherwise; or injures or destroys school property belonging to a school administrative unit, the unit may recover from the minor's parent, in a civil action, double the damage. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW).

§6806. DEFACING SCHOOLHOUSES; OUTBUILDINGS

A person who defaces, damages or destroys the walls, benches, seats, blackboards or other parts of a schoolhouse or school outbuildings, commits a civil offense and shall pay double the damages. [2001, c. 189, §1 (AMD).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 2001, c. 189, §1 (AMD).

§6807. LIABILITY FOR INJURY TO BOOKS OR APPLIANCES

If a public school student loses, destroys or unnecessarily injures a schoolbook or appliance furnished to the student at the expense of the school administrative unit, the student's parent must be notified. If the loss or damage is not made good to the satisfaction of the school board within 45 working days, the board shall report the case to the assessors of the municipality in which the student resides. The municipal assessors shall include in the next municipal tax of the delinquent parent the replacement costs of the book or appliance, to be assessed and collected as other municipal taxes, and the money collected must go the municipality. [2001, c. 189, §2 (AMD).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 806, §62 (AMD). 2001, c. 189, §2 (AMD).

§6808. MISAPPROPRIATION OF FUNDS; PENALTY

If any part of the money raised by a school administrative unit, or paid to them by the State for superintendence, is expended for any other purposes, then each person misappropriating that money shall forfeit double the sum so misapplied. The money may be recovered in a civil action in the name and to the use of the school administrative unit by any of its residents. A school administrative unit or school union may not receive further aid from the State for superintendence until the amount so misapplied has been raised and expended for superintendence by that unit or school union. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW).

§6809. EXCESSIVE EXPENDITURES

After providing an opportunity for a hearing, the commissioner may adjust the state subsidy to an administrative unit when the expenditures for education in such unit show evidence of manipulation to gain an unfair advantage or are adjudged excessive. Any interested party aggrieved by a decision of the commissioner may appeal to the state board pursuant to section 3. [1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW).

§6810. TRUANCY

The penalty for truancy is outlined in section 5053-A. [2003, c. 533, §6 (AMD).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 2003, c. 533, §6 (AMD).

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